

PATENT

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Application Number	09/778,754
Filing Date	February 8, 2001
First Named Inventor	Ellis PATRICK
Group Art Unit	2875
Examiner Name	Annabel TON
Attorney Docket Number	560301-1010

Total Number of Pages in This Submission

4

ENCLOSURES (check all that apply)

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☐ Fee Attached
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☐ After Final
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☐ Extension of Time Request
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☐ Information Disclosure Statement
☐ Certified Copy of Priority Document(s)
☐ Response to Missing Parts/ Incomplete Application
☐ Response to Missing Parts under 37 CFR 1.52 or 1.53

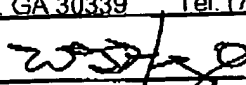
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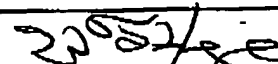
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SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual name	William F. Heinze, Reg. No. 36,161 Thomas, Kayden, Horstemeyer & Risley, 100 Galleria Parkway, Suite 1750, Atlanta, GA 30339 Tel. (770) 933-9500 Fax (770) 951-0933 Customer No. 24504
Signature	
Date	January 17, 2003

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Response
J. White
1-28-03
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of:
Patrick, III

Group Art Unit: 2875

Serial No.: 09/778,754

Examiner: Ton, Anabel

Filed: February 8, 2001

Docket No. 560301-1010

For: Rotating Reflector

RESPONSE

Commissioner for Patents
Washington, D.C. 20231

Sir:

On a preliminary note, two Office Actions have been issued with regard to the application identified above since the last paper was filed by the undersigned. This first Action was mailed on September 23, 2002 while the second Action was mailed on October 17, 2002. Both Actions indicate that they are responsive to communications filed on July 20, 2002. The second Action has been presumed to be a replacement for the first Action so that the following remarks are submitted in response to the Office Action mailed on October 17, 2002.

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REMARKS

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In the action, the Examiner indicated that Claim 14 is allowed and that Claims 2, 17, and 26-31 would be allowable if rewritten in independent form. For the reasons set forth below, the Examiner is urged to reconsider rejected Claims 1, 3-5, 7-13, 15, 16, and 18-25.

Claims 1, 3-5, 7-10, 12, 13, 15, 16, and 18-25 were rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 5,803,585 to Littman et al. Littman discloses an adjustable light fixture with a rotatable lamp assembly 14 that is oriented with respect to a housing 36 by a friction assembly 46 that acts in concert with a curved guide plate 48. As illustrated in FIG. 2 of Littman, the

friction assembly 46 and guide plate 48 are both arranged inside the elongated box 35 forming the fixture housing 36.

The rejection asserts that "[1] it would have been obvious to one of ordinary skill in the art to place an adjustment device on an exterior surface of a lighting mechanism, since [2] Applicant has not disclosed that having the adjustment mechanism operable from the external surface of the housing solves any stated problem or is for any particular purpose...and [3] it appears that the invention would perform equally well with the adjustment mechanism of Littman." Each of the points is discussed below.

With regard to the first point, the invention would not have been obvious to one of ordinary skill in view of Littman because Littman actually teaches away from a light fixture including an adjustment mechanism that is operable from the external surface of the housing. As shown in FIG. 1 of Littman, the light fixture 10 is recessed in a suspended ceiling 12. The external surface of the housing 36 is not accessible during normal use. Consequently, one of ordinary skill would not have been motivated to include any controls on the external surface of the housing, much less the adjustment mechanism recited in the present claims.

An operator would not normally attempt to adjust the lamp assembly 14 from outside the housing because this would involve removing the ceiling tiles in order to access the plate 37 and/or the plug 68. In fact, rather than providing certain components exterior to the housing 36, the Littman housing is specifically provided access openings for various components arranged inside the housing. For example, as described at column 4, line 14, a removable access plate 37 is provided on the top side of the housing 36 in order to wire the ballast unit 38 to the lamp socket 26 and an external power supply (not shown).

As discussed at Column 5, lines 12-16, in order to adjust the friction force between the washers 56, 58 and guide plate 48, the access plug 68 must first be removed from the hole 70 in the back of the housing. A user must then place their hand or a tool through the hole in the housing order to turn the bolt 52. Similarly, as discussed at Column 4, lines 53-57, during rotation of the lamp assembly 14, a user must grab the lip 66 on the edge 64 of the curved wall 16. The user must

then place their hand inside the openings 22 between the series of baffles 34 inside the housing in order to rotate the lamp assembly outward from the position shown in FIG. 2 of Littman. In contrast, the present invention allows a user to operate an adjustment mechanism from an external surface of the housing without removing any such access plates or plugs or placing their hand inside the housing.

With regard to the problems solved or particular purpose of the invention, it is respectfully submitted that "there is no requirement that the superiority over prior art be disclosed in the application." *In re Slocombe*, 184 USPQ 740 (CCPA 1974); Chisum, *Afetrethoughts and Undisclosed Advantages as Evidence of Patentability*, 57 J. Pat. Off. Soc'y 437 (1975). Nonetheless, the Examiner's attention is further directed toward pages 2-3 of the parent provisional application Serial No. 60/212,647 which has been incorporated by reference into the present application. This portion of the application notes that providing for external adjustments eases assembly because the housing can be made of one piece, lower costs, and reduces the need for more seals. For example, this can be particularly advantageous for roadway applications where the luminaires are often installed at such great heights that opening the housing for post-installation adjustments becomes quite time-consuming and potentially dangerous. Furthermore, for the outdoor area/roadway fixture illustrated in the drawings, a bottom lens may be provided so as to seal the housing from the elements as is known in the art. Providing an adjustment mechanism that is operable from the external surface of the housing therefore allows the reflector to be moved inside this housing without breaking the seal.

With regard to the third point noted above, clearly such an arrangement would not perform equally well with the adjustment mechanism of Littman because the seal would have to be broken, or otherwise disturbed, each time the reflector was adjusted. Unnecessarily breaking the seal merely would make the housing more likely to leak. Furthermore, the Littman arrangement requires the lamp assembly 14 to be accessible through the light opening of the fixture and therefore can not be used with closed housings. Thus, additional components, such as

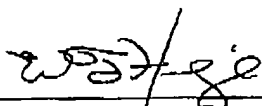
access plates and plugs, must be provided for accessing the interior of the housing.

Claim 11 was rejected under 35 U.S.C. §103(a) as being unpatentable over Littman as applied to Claim 1 above and further in view of U.S. Patent No. 4,277,818 to Urbaneck et al. It is respectfully submitted that the Urbaneck et al fails to make up for the previously noted deficiencies with regard to Claim 1. The Examiner is therefore also urged to withdraw the rejection of Claim 11.

If there are any questions concerning this Response, or any other aspect of the application, then the Examiner is urged to contact the undersigned by telephone in order to expedite prosecution.

Respectfully submitted,

Date: January 17, 2003



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